

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This Document Relates to:

***City of Roanoke, Virginia v. Purdue Pharma,
L.P. et al*, Case No. 1:19-op-45696-DAP
(N.D. Ohio)**

MDL No. 2804

Case No. 17-MD-2804-DAP

Judge Dan Aaron Polster

[PROPOSED] ORDER

Plaintiff has moved for leave from this Court's moratorium on substantive filings [Dkt 4; Dkt 70; Dkt 130] so that it may move to sever and amend its operative pleading. For good cause shown, the Motion for Leave is GRANTED.

Plaintiff has additionally moved pursuant to Rule 21 of the Federal Rules of Civil Procedure to sever its claims against the PBM Defendants from its claims against the Non-PBM Defendants. Upon review of the Plaintiff's Motion and oppositions thereto, and for good cause shown, including that judicial efficiency will be enhanced and no party will be unduly prejudiced, the Motion to Sever is GRANTED. Plaintiff's claims against the Express Scripts and Optum Defendants (as defined in the Plaintiff's amended complaint) shall be severed for purposes of discovery and trial from the Plaintiff's claims against the Non-PBM Defendants.

Finally, Plaintiff has moved pursuant to Rule 15 of the Federal Rules of Civil Procedure to amend its operative pleading based upon information discovered during review of certain documents produced in discovery. As noted above, Plaintiff's case has been subject to a moratorium on new filings. Discovery has not yet commenced, and no trial date has been set.

Leave to amend should be liberally granted, the Plaintiff has not engaged in undue delay given all the circumstances, and no party will be unfairly prejudiced. In consideration of Rule 15 and applicable authority, for good cause shown, and having reviewed Plaintiff's Motion and oppositions thereto, Plaintiff's Motion to Amend is GRANTED.

The Clerk shall file the Plaintiff's amended pleading attached as Exhibit A to its Motion among the papers in this case. The PBM Defendants shall have thirty (30) days from the date of this Order to file responsive pleadings, except that any newly-added party's responsive pleading deadline shall be calculated in accordance with the Federal Rules of Civil Procedure as applicable to newly-filed and served actions.

It is so Ordered.

ENTERED: _____
U.S. District Court Judge Dan Aaron Polster